

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Education Professional Standards Board**  
**(Amended After Comments)**

**16 KAR 5:030. Proficiency evaluation.**

RELATES TO: KRS 161.020, ~~[161.025,]~~ 161.030

STATUTORY AUTHORITY: KRS ~~[156.070,]~~ 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020,~~[161.025,]~~and 161.030 require that educators~~[teachers]~~ and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation~~[prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education]~~. The traditional~~[and formal]~~ means of recognizing competency and proficiency for educator~~[teacher]~~ preparation is by earning academic~~[in terms of standard college credits and the teacher certification requirements are generally stated in terms of college]~~ credits. This administrative regulation provides an alternate ~~[a]~~ means for recognizing competency and proficiency~~[that might have been attained in some manner]~~ other than academic credit~~[for educators already holding initial certification]~~~~[college preparation]~~.

Section 1. Definitions. (1) "Approved program of preparation" means a program approved by the Education Professional Standards Board (EPSB) under 16 KAR 5:010 for a specific certification.

(2) "Comparable experience" means professional activity of equivalent quality requiring similar skills and knowledge.

(3) "Educator preparation provider" or "EPP" ~~[for purposes of this regulation]~~ means a Kentucky-based college or university that offers educator preparation programs approved by the Board.

(4) "Proficiency evaluation" means the process by which an EPP may evaluate an educator who currently holds a valid Kentucky professional certificate in accordance with 16 KAR 2:010 seeking another certification area, endorsement, or extension to recognize competency and proficiency~~[A state accredited teacher education institution may evaluate and accept competency for teacher certification purposes for any of the specific curriculum requirements when the teacher candidate can demonstrate proficiency by reason of previous education, unusual experience, or proficiency examination at a level comparable to the usual requirements in that curriculum area].~~

Section 2. (1) An EPP shall be required to meet the following requirements before conducting proficiency evaluations:

(a) The EPP shall provide notice to the EPSB of its intent to conduct proficiency evaluations; and

(b) The EPP shall provide to the EPSB a plan for approval that sets forth the process by which the EPP shall conduct proficiency evaluations. The evaluation must assess a candidate's attainment of the applicable educational program standards.

(2) Failure to satisfy the requirements of this administrative regulation may result in the following action:

(a) The board may take action against the EPP's state accreditation; and

(b) The board may notify the Council of Postsecondary Education that the EPP has not met the requirements of KRS 164.097.

Section 3. Educators holding a valid Kentucky certificate seeking another certification area shall not be required to meet the admission requirements in 16 KAR 5:020(1)(2)(b) and 16 KAR 5:020(1)(3)(b).

Section 4. The EPP shall only conduct proficiency evaluations for the EPP's existing programs approved by the board.

Section 5. When conducting a proficiency evaluation, the EPP may assess proficiency by considering any of the following factors:

- (1) Previous education;
- (2) Comparable experience; or
- (3) Proficiency assessment at a level comparable to the usual requirements in the content area in which the educator is seeking certification.

**Section 6. Initial Certification for teacher candidates. (1) An EPP may evaluate and accept competency for initial teacher certification purposes for any of the specific curriculum requirements when the teacher candidate can demonstrate proficiency by reason of previous education, unusual experience, or proficiency examination at a level comparable to the usual requirements in that curriculum area.**

**(2) The teacher candidate shall be required to:**

**(a) Satisfy the applicable admission requirements set forth in 16 KAR 5:020; and**

**(b) Meet the internship requirements set forth in 16 KAR 7:010 or 16 KAR 7:020.**

**(3) The EPP shall be required to report to EPSB in accordance with the requirements of 16 KAR 5:020 the candidates for whom the EPP completed a proficiency evaluation.**

**(4) The teacher candidate may demonstrate proficiency of the requirements set forth in 16 KAR 5:040 by reason of previous experience.**

**(5) The EPP shall be responsible for recommending that the EPSB issue certification.**

**(6) The EPSB shall issue certificate for teacher candidates in accordance with the requirements of 16 KAR 2:010.**

Section 7[6]. Additional Certification for Certified Educators. (1) After completing the proficiency evaluation, the EPP shall:

(a) Prepare an educator learning plan (ELP) for the certified educator outlining all necessary requirements to complete a program for additional content area or grade range along with a timeline for completion not to exceed two (2) years; and

(b) Recommend that the EPSB issue a one (1) year provisional certificate in accordance with 16 KAR 2:010.

(2) Upon successful completion of the ELP, the EPP shall recommend that the EPSB issue the educator a professional certificate, a certificate endorsement, or a certificate extension in the additional area in accordance with 16 KAR 2:010, Section 4.

Section 8[7]. (1) The EPSB shall issue a certificate endorsement or extension in accordance with the process set forth in 16 KAR 2:010, Section 3, upon receipt of the educator's request for certification; proof that the educator has successfully achieved a passing score on any required assessment; and recommendation of the EPP.

(2) The EPSB shall not require an educator to complete Kentucky Teacher Internship Program (KTIP) for the issuance of an endorsement or an extension if the certified educator previously completed KTIP for initial certification.

Section 9[8]. Recency. (1) The certified educator seeking another certification shall submit a request for certification no later than five (5) years after successfully completing all requirements set forth in the ELP; or

(2) Within twelve (12) months after the EPP discontinues the educator preparation program identified in the ELP, whichever occurs first.

ROB AKERS, Board Chair

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## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Cassie Trueblood, phone (502) 564-4606, email Cassie.Trueblood@ky.gov, or Lauren Graves

(1) Provide a brief summary of

(a) What this administrative regulation does: This administrative regulation establishes an alternate process by which an educator preparation provider may recognize the competency and proficiency of a certified educator based on something other than college credit to recommend certification in another area.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure that there is a means by which a certified educator can establish proficiency and competency based on that certified teacher's teaching experience or past college coursework.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020 and 161.030 require that educators and other professional school personnel hold certificates of legal qualifications for their respective positions. KRS 161.028 provides the EPSB with the authority and responsibility to establish standards and requirements for obtaining and maintaining a teaching certificate; and KRS 161.028 also provides the EPSB with the authority and responsibility to set standards for and approve programs for the preparation of teachers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the process by which an educator preparation provider must comply in order to recognize the competency and proficiency of a current educator through a means other than just completing college courses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will update a regulation originally promulgated, in part, based on statutes that have been long since repealed (KRS 156.070 and KRS 161.025). This amendment will provide a process for currently certified educators. This amendment will provide the means by which the EPSB will exercise oversight authority over the proficiency evaluation process used by educator preparation providers. This amendment will provide consequences to those educator preparation providers that fail to abide by the requirements of this regulation. This amendment will provide an expedited process for currently certified educators to obtain certificate endorsements or certificate extensions. This amendment will allow currently certified educators to teach additional

content areas or age ranges while taking the coursework needed for the additional areas. This amendment will provide school districts with a greater pool of candidates to fill areas of teacher shortages.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because the regulation is based, in part, on statutes that have long since been repealed. This amendment is necessary to provide current educators a means by which they can establish proficiency and competence for skills they previously developed outside of college coursework. This amendment is necessary to help school districts fill local teaching shortages. This amendment is necessary to set forth the process by which the EPSB will exercise authority over educator preparation providers and their use of this regulation. This amendment is necessary to set forth the consequences for non-compliance by educator preparation programs.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.020, KRS 161.020 and 161.030 require that educators and other professional school personnel hold certificates of legal qualifications for their respective positions. KRS 161.028 provides the EPSB with the authority and responsibility to establish standards and requirements for obtaining and maintaining a teaching certificate; and KRS 161.028 also provides the EPSB with the authority and responsibility to set standards for and approve programs for the preparation of teachers.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation sets forth the process by which an educator preparation provider must comply in order to recognize the competency and proficiency of a current educator through a means other than just completing college courses.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact the Education Professional Standards Board and all educator preparation programs. This administrative regulation will also impact currently certified teachers that choose to request proficiency evaluations from an accredited educator preparation provider, and all Kentucky public schools.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: An educator preparation provider that would like to do proficiency evaluations will need to: 1) notify the EPSB of its plans to conduct proficiency evaluations; 2) provide the EPSB with a copy of the procedure it will use to conduct the proficiency evaluations; 3) work with currently certified educators to create a plan for obtaining a certification; and 4) recommend currently certified educators for certification. The EPSB will need to receive, review, and approve proficiency evaluation plans. There are no additional requirements placed on currently certified educators, and school districts by this regulation. This regulation is removing barriers to certification.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost should be minimal to educator preparation providers. Some educator preparation providers charge currently certified educators to do proficiency evaluations. There will be a cost to currently certified educators, but the EPSB has no control over what an educator preparation provider charges for proficiency evaluations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Currently certified educators will be able to obtain certificate endorsements and certificate extensions while teaching in the area in which they are seeking the certificate endorsement or

the certificate extension.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The EPSB does not anticipate there being any cost associated with the initial implementation of this regulation.

(b) On a continuing basis: The EPSB does not anticipate there being any continuing cost associated with the implementation of this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funds appropriated by the General Assembly to the Education Professional Standards Board.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: The EPSB does not anticipate a need for an additional fee or funding increase.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly not does it indirectly increase fees collected by the EPSB.

(9) TIERING: Is tiering applied? No, tiering will not apply because all educator preparation providers are required to meet the same requirements.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Education Professional Standards Board, educator preparation providers, currently certified educators, and Kentucky public school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020 and 161.030 require that educators and other professional school personnel hold certificates of legal qualifications for their respective positions. KRS 161.028 provides the EPSB with the authority and responsibility to establish standards and requirements for obtaining and maintaining a teaching certificate; and KRS 161.028 also provides the EPSB with the authority and responsibility to set standards for and approve programs for the preparation of teachers.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There should be no effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The EPSB does not anticipate that this regulation will result in revenue for state or local government in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The EPSB does not anticipate that this regulation will result in revenue for state or local government in the subsequent years.

(c) How much will it cost to administer this program for the first year? The EPSB does not anticipate that there will be any additional cost to administer this program in the first year.

(d) How much will it cost to administer this program for subsequent years? The EPSB does not anticipate that there will be any additional cost to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain

the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: